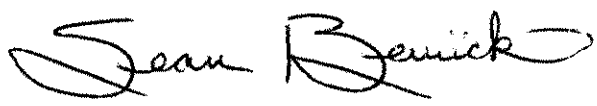


B104 (FORM 104) (08/07)

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (Court Use Only)		
<b>PLAINTIFFS</b> Antonio Maurice Davis Sr. Stephanie Parker Davis		<b>DEFENDANTS</b> Markone Financial, LLC et al.		
<b>ATTORNEYS (Firm Name, Address, and Telephone No.)</b> <small>Sean Bewick Bar No.: 001508          The Dozier Law Firm, LLC          PO Box 13, Macon, GA 31202          478.742.8441 Fax: 478.745.9097</small>		<b>ATTORNEYS (If Known)</b> T. Lee Bishop, Jr. Bar No.: 058850 T. Lee Bishop, Jr., P.C. PO Box 791, Albany, GA 31702 Phone: 229.436.6044		
<b>PARTY (Check One Box Only)</b> <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		<b>PARTY (Check One Box Only)</b> <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		
<b>CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)</b> Debtors filed a chapter 13 Case No.: 08-53384 which was dismissed on March 6, 2009 for failure to pay the filing fee. Debtors filed the present chapter 13 Case No.: 09-52377 within 1 year of the previous dismissal. Debtors paid the full filing fee upon filing their current case, and pray this court impose the stay.				
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top; width: 50%; border: none;"> <b>FRBP 7001(1) – Recovery of Money/Property</b>  <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property  <input type="checkbox"/> 12-Recovery of money/property - §547 preference  <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer  <input type="checkbox"/> 14-Recovery of money/property - other   <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b>  <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property   <b>FRBP 7001(3) – Approval of Sale of Property</b>  <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)   <b>FRBP 7001(4) – Objection/Revocation of Discharge</b>  <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)   <b>FRBP 7001(5) – Revocation of Confirmation</b>  <input type="checkbox"/> 51-Revocation of confirmation   <b>FRBP 7001(6) – Dischargeability</b>  <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims  <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud  <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny             (continued next column)         </td> <td style="vertical-align: top; width: 50%; border: none;"> <b>FRBP 7001(6) – Dischargeability (continued)</b>  <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support  <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury  <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan  <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support)  <input type="checkbox"/> 65-Dischargeability - other   <b>FRBP 7001(7) – Injunctive Relief</b>  <input checked="" type="checkbox"/> 71-Injunctive relief – imposition of stay  <input type="checkbox"/> 72-Injunctive relief – other   <b>FRBP 7001(8) Subordination of Claim or Interest</b>  <input type="checkbox"/> 81-Subordination of claim or interest   <b>FRBP 7001(9) Declaratory Judgment</b>  <input type="checkbox"/> 91-Declaratory judgment   <b>FRBP 7001(10) Determination of Removed Action</b>  <input type="checkbox"/> 01-Determination of removed claim or cause   <b>Other</b>  <input type="checkbox"/> SS-S12A Case – 15 U.S.C. §§78aaa <i>et seq.</i>  <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)         </td> </tr> </table>			<b>FRBP 7001(1) – Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other  <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property  <b>FRBP 7001(3) – Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)  <b>FRBP 7001(4) – Objection/Revocation of Discharge</b> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)  <b>FRBP 7001(5) – Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation  <b>FRBP 7001(6) – Dischargeability</b> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny  (continued next column)	<b>FRBP 7001(6) – Dischargeability (continued)</b> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other  <b>FRBP 7001(7) – Injunctive Relief</b> <input checked="" type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other  <b>FRBP 7001(8) Subordination of Claim or Interest</b> <input type="checkbox"/> 81-Subordination of claim or interest  <b>FRBP 7001(9) Declaratory Judgment</b> <input type="checkbox"/> 91-Declaratory judgment  <b>FRBP 7001(10) Determination of Removed Action</b> <input type="checkbox"/> 01-Determination of removed claim or cause  <b>Other</b> <input type="checkbox"/> SS-S12A Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
<b>FRBP 7001(1) – Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other  <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property  <b>FRBP 7001(3) – Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)  <b>FRBP 7001(4) – Objection/Revocation of Discharge</b> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)  <b>FRBP 7001(5) – Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation  <b>FRBP 7001(6) – Dischargeability</b> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny  (continued next column)	<b>FRBP 7001(6) – Dischargeability (continued)</b> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other  <b>FRBP 7001(7) – Injunctive Relief</b> <input checked="" type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other  <b>FRBP 7001(8) Subordination of Claim or Interest</b> <input type="checkbox"/> 81-Subordination of claim or interest  <b>FRBP 7001(9) Declaratory Judgment</b> <input type="checkbox"/> 91-Declaratory judgment  <b>FRBP 7001(10) Determination of Removed Action</b> <input type="checkbox"/> 01-Determination of removed claim or cause  <b>Other</b> <input type="checkbox"/> SS-S12A Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)			
<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23		
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$		
Other Relief Sought 1. Imposition of stay as to all creditors				

B104 (FORM 104) (08/07), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES			
NAME OF DEBTOR Antonio Maurice Davis Sr. and Stephanie Parker Davis		BANKRUPTCY CASE NO. 09-52377	
DISTRICT IN WHICH CASE IS PENDING Middle District of Georgia		DIVISION OFFICE Macon	NAME OF JUDGE James D. Walker Jr.
RELATED ADVERSARY PROCEEDING (IF ANY)			
PLAINTIFF	DEFENDANT		ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING		DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)  Sean Bewick 001508			
DATE November 19, 2009		PRINT NAME OF ATTORNEY (OR PLAINTIFF) Sean Bewick 001508	

### INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Plaintiffs and Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

**Attorneys.** Give the names and addresses of the attorneys, if known.

**Party.** Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

**Demand.** Enter the dollar amount being demanded in the complaint.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

MACON DIVISION

\* Adversary Proceeding No. 09-05112

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Amended Complaint

**COMES NOW** Antonio Maurice Davis Sr. and Stephanie Parker Davis (“plaintiffs”), by

and through undersigned counsel, and states as follows:

Statement of Jurisdiction

This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G). Defendant Markone Financial, LLC, (“defendant”) is subject to the jurisdiction of this Court pursuant to 28 U.S.C. § 1334 and 28 U.S.C. § 157. Venue is proper in this court pursuant to 28 U.S.C. § 1409.

Statement of Claim

1.

This adversary proceeding arises out of and relates to Debtors’ chapter 13 case which is docketed in this Court as case number 09-52377, Middle District of Georgia, Macon Division.

2.

The Debtor’s filed their current bankruptcy case under Title 11 within one year following the dismissal of a previous Chapter 13 case. The Debtor filed the current case in good faith. The previous case was 08-53384, filed in the U.S. Bankruptcy Court for the Middle District of Georgia, Macon Division. That case was dismissed on March 6, 2009.

3.

The Debtors’ previous bankruptcy was dismissed due to failure to pay the remainder of the filing fee. There was mis-communication between the debtors and their previous attorney as to the filing fee.

4.

The debtors paid the filing fee in full at the time of filing their current case.

5.

The plan as proposed is feasible, and payments are currently being deducted from

Antonio Maurice Davis Sr.'s employment.


6.

Due to attorney mistake a Motion to Extend the Stay Under U.S.C. § 362(c)(3) was not timely filed.

**WHEREFORE**, Plaintiff prays for this honorable Court to:

- (a) Impose a Stay as to all Creditors.
- (b) Any and all further relief this honorable Court deems fair and equitable.

Respectfully Submitted,



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Sean Bewick GA Bar No.: 001508  
Attorney for the Movants / Plaintiffs  
Dozier Law Firm LLC  
PO Box 13  
Macon, GA 31202-0013  
478.742.8441

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

In re: Antonio Maurice Davis Sr.,  
Stephanie Parker Davis,  
Movants / Plaintiffs,

\* Adversary Proceeding No. 09-05112

\*

\* Bankruptcy No. 09-52377

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\*

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Antonio Maurice Davis Sr.,  
Stephanie Parker Davis,  
Plaintiffs,

\*

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\*

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v.

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Markone Financial, LLC,  
Afni,  
Coliseum Medical Center,  
Farmers Furniture,  
LVNV Funding LLC,  
MarkOne Financial,  
NCO Financial Systems,  
Recovery One,  
West Asset,  
Cambell & Brannon, LLC,  
Georgia Housing and Finance Authority,  
Medical Center of Central GA,  
North American,  
State Home Mortgage,  
Williams & Fudge Inc.,  
Georgia Housing and Finance Authority,  
American Infosource LP / Tmobile,  
Citi Corp Credit Services,  
Macon State College,  
North Star Capital Acquisitions LLC,  
Palisades Collections LLC,  
Defendants / Creditors

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Certificate of Service


This is to certify that I have this day served a copy of the Movants' / Plaintiffs' Amended  
Complaint upon:

Camille Hope  
Chapter 13 Trustee  
PO Box 954  
Macon, GA 31202

\*All Parties Listed on Attached Creditor Matrix\*

by placing a copy of such in the United States Mail with sufficient postage thereon to insure delivery.

This the 19<sup>th</sup> Day of November, 2009.

  
Sean Bewick  
Attorney for Movants' / Plaintiffs'

Label Matrix for local noticing  
113G-5  
Case 09-52377  
Middle District of Georgia  
Macon  
Wed Nov 18 15:07:46 EST 2009

MarkOne Financial  
c/o Melinda Shaffer  
7601 Centurion Parkway  
Jacksonville, FL 32256-0520

Afni  
Po Box 3097  
Bloomington, IL 61702-3097

Coliseum Medical Center  
P.O. Box 9125  
Macon, GA 31208

Farmers Furniture  
Po Box 1140  
Dublin, GA 31040-1140

LVNV Funding LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

MarkOne Financial  
c/o T. Lee Bishop, Jr.  
P. O. Box 1791  
Albany, GA 31702-1791

Nco Financial Systems  
507 Prudential Rd  
Horsham, PA 19044-2368

Recovery One  
4645 Execuvite Dr  
Columbus, OH 43220-3601

West Asset  
Attn: Bankruptcy  
P.O. Box 105478  
Atlanta, GA 30348-5478

Farmers Furniture  
c/o Corporate Credit Department  
P.O. Box 1140  
Dublin, GA 31040-1140  
  
5  
433 Cherry Street  
P.O. Box 1957  
Macon, GA 31202-1957

Cambell & Brannon, LLC  
900 Hammond Drive  
Atlanta, GA 30328-5511

Coliseum Medical Ctr  
c/o Creditors Bankruptcy Service  
P O Box 740933  
Dallas,Tx 75374-0933

Georgia Housing and Finance Authority  
P.O. Box 133049  
Atlanta, GA 30333-3049

MEDICAL CENTER OF CENTRAL GA  
2490 RIVERSIDE DRIVE  
Macon, GA 31204-1750

Markone Fin  
P O Box 17038  
Jacksonville, FL 32245-7038

North Amercn  
2810 Walker Rd  
Chattanooga, TN 37421-1082

State Home Mortgage  
60 Executive Park S Ne S  
Atlanta, GA 30329-2296

Williams & Fudge Inc  
300 Chatham Ave 201  
Rock Hill, SC 29730-5395

Georgia Housing and Finance Authority, Its S  
Campbell & Brannon, LLC  
990 Hammond Drive  
Bldg. 1, Suite 800  
Atlanta, GA 30328-5529

AMERICAN INFOSOURCE LP AS AGENT FOR  
T MOBILE/T-MOBILE USA INC  
PO Box 248848  
Oklahoma City, OK 73124-8848

Citi Corp Credit Services  
Attn: Centralized Bankruptcy  
Po Box 20507  
Kansas City, MO 64195-0507

FARMERS FURNITURE - MACON-MERCER  
ATTN:CORP. CREDIT  
P. O. BOX 1140  
DUBLIN, GA 31040-1140

Georgia Housing and Finance Authority  
c/o Cambell & Brannon, LLC  
One Lakeside Commons  
900 Hammond Drive, Suite 800  
Atlanta, GA 30328-5511

Macon State College  
Business Office  
100 College Station Dr.  
Macon, GA 31206-5100

NORTH STAR CAPITAL ACQUISITIONS LLC  
c o Jefferson Capital Systems LLC  
PO BOX 7999  
SAINT CLOUD MN 56302-7999

Palisades Collections LLC  
Vativ Recovery Solutions LLC  
c/o Palisades Collections LLC  
P.O. Box 19249  
Sugar Land, TX 77496-9249

State Home Mortgage  
P.O. Box 133049  
Atlanta, GA 30333-3049

Antonio Maurice Davis Sr.  
451 Apple Blossom Way  
Macon, GA 31217-5550



Sean Allen Bewick  
Dozier Law Firm, LLC  
327 Third Street  
Macon, GA 31201-3396

Stephanie Parker Davis  
451 Apple Blossom Way  
Macon, GA 31217-5550

Trustee Camille Hope  
P.O. Box 954  
Macon, GA 31202-0954

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)MarkOne Financial  
c/o Melinda Shaffer  
7601 Centurion Parkway  
Jacksonville, Fl 32256-0520

End of Label Matrix	
Mailable recipients	32
Bypassed recipients	1
Total	33